

IAP6 Rec'd PCT/PTO 09 MAR 2006

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Signature

3/7/06

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: : Docket No. 5173-0010WOUS
Donnelly et al. : Date: March 7, 2006
Serial No.: 10/523,848 : Group Art Unit: Not yet assigned
Filed On: February 7, 2005 : Examiner: Not Yet Assigned
TITLE: WATER TREATMENT APPARATUS

RECEIVED

22 MAR 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Legal Staff
International Division

Sir:

PETITION UNDER 37 C.F.R. 1.47 (a)

The applicant hereby submits the present petition since one of the inventors in this application, Vernon J. Donnelly, is unwilling to execute the declaration.

The present application claims priority from International Application PCT/GB03/03471 filed August 7, 2003 and British application 0218318.4 filed August 7, 2002, naming inventors Vernon J. Donnelly and Vincent J. Garvey. The present application was filed in the United States Patent and Trademark Office on February 7, 2005.

On February 17, 2006, a copy of U.S. Patent Application Serial No. 10/523,848 (the " '848 Application"), a copy of the declaration and power of attorney for the '848 Application, and a prepaid return-addressed air mail envelope was sent by the undersigned attorney to Mr. Vernon J. Donnelly at Mr. Donnelly's last known address of 54 Meadow Crescent, Saddlestone, Braddan, Isle of Man IM2 1NL. The aforesaid materials were sent by FedEx Express, including a cover letter to Mr. Donnelly. The cover letter requested Mr. Donnelly sign the declaration and power of attorney,

and return the executed materials to the undersigned attorney via the prepaid self-addressed envelope by March 3, 2006. The cover letter further indicated that if the aforesaid materials were not executed and returned to the undersigned attorney by March 3, 2006, then the undersigned attorney would indicate to the United States Patent and Trademark Office that he, Mr. Donnelly, was unwilling to execute the declaration. A FedEx Customer Support Trace establishes that the package containing the cover letter, '848 Application, declaration, and pre-paid return-addressed envelope were received and signed for at Mr. Donnelly's last known address by S.R. Sawgerr. A copy of the cover letter, the FedEx International Waybill, and the FedEx Customer Support Trace are attached hereto.

Applicant provides herewith a declaration from the undersigned attorney stating the circumstances establishing that Mr. Donnelly is unwilling to execute the required declaration required for the '848 Application. Pursuant to the Decision of January 24, 2006 from the PCT Legal Office, applicant understands that: 1) the declaration from the other joint inventor Mr. Garvey has been received; 2) the requisite fee has been paid; and 3) the last known address of the unwilling inventor Mr. Donnelly has been provided. If any additional fees are due, please charge 50-3381.

The applicants represented hereby respectfully request granting of this petition in order to complete the application filing process and prevent irreparable harm to Strix Limited.

Respectfully submitted,

Richard D. Getz

Richard D. Getz
Reg. No. 36,147
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100 x103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Donnelly et al.

Serial No.: 10/523,848

Filed On: February 7, 2005

TITLE: WATER TREATMENT APPARATUS



Docket No. 5173-0010WOUS

Date: March 7, 2006

Group Art Unit: Not yet assigned

Examiner: Not Yet Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF RICHARD D. GETZ

I, Richard D. Getz, of O'Shea, Getz & Kosakowski, P.C. of 1500 Main Street, Suite 912 Springfield, Massachusetts, 01115, do hereby declare the following statements to be true to the best of my knowledge:

1. On February 17, 2006, a package containing a cover letter, a copy of U.S. Patent Application Serial No. 10/523,848 (the " '848 Application"), a copy of the declaration and power of attorney for the '848 Application, and a prepaid return-addressed air mail envelope was sent to Mr. Vernon J. Donnelly at Mr. Donnelly's last known address of 54 Meadow Crescent, Saddlestone, Braddan, Isle of Man IM2 1NL.
2. The aforesaid package was sent by FedEx Express courier, having a tracking number of 850648632580.
3. The cover letter requested Mr. Donnelly sign the declaration and power of attorney, and return the executed materials to me via the prepaid return-addressed envelope by March 3, 2006.
4. The cover letter indicated that if the aforesaid materials were not executed and returned to the sender by March 3, 2006, then the sender would indicate to the United States Patent and Trademark Office that he, Mr. Donnelly, was unwilling to execute the declaration.

5. A FedEx Customer Support Trace was received by the undersigned that indicates the package was signed for and received at Mr. Donnelly's last known address by a party by the name of S.R. Sawgerr.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard D. Getz
Richard D. Getz

3/7/2006
Date



**O'SHEA, GETZ
& KOSAKOWSKI, P.C.**

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WRITER'S EMAIL: RGETZ@OGKLAW.COM

February 17, 2006

Mr. Vernon J. Donnelly
54 Meadow Crescent
Saddlestone, Braddan
Isle of Man IM2 1NL

Re: U.S. Patent Application No. 10/523,848
WATER TREATMENT APPARATUS
OG&K Ref. No. 5173-0010

Dear Mr. Donnelly:

I represent Strix Limited in the United States in certain Intellectual Property Law matters, including the above-identified patent application. To continue the prosecution of this patent application, we are required to submit an executed declaration from each inventor, wherein the inventor declares that he believes himself to be original and first inventor of the subject matter claimed within the referenced patent application. In this instance, you and Mr. Vincent Garvey are identified as inventors. Mr. Garvey has already executed a declaration. I also enclose an assignment document that assigns your rights in the above-referenced patent application to Strix Limited.

Please execute the enclosed declaration attached to the referenced patent application and the assignment, and return the original executed documents to me by March 3, 2006 in the prepaid self-addressed envelope provided herewith. If I do not receive the executed documents in timely manner, I will indicate to the United States Patent and Trademark Office that you are unwilling to execute the documents and will continue prosecution of the application under the applicable rules. If you have any questions, my contact information is provided herewith.

Best regards,
O'Shea, Getz & Kosakowski, P.C.

Richard D. Getz

Copy: Mr. Adrian Samuels, Frank B. Dehn & Co.

Enclosures: Copy of U.S. Pat. Appl. No. 10/523,848; Copy of Declaration for U.S. Pat. Appl. No. 10/523,848; Copy of assignment for U.S. Pat. Appl. No. 10/523,848; Prepaid self addressed air mail envelope.

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1 From Please print and press hard

Date 2/17/06 Sender's FedEx Account Number 3084-3658-6

Sender's Name Richard D. Getz, Esq. Phone 413 731-3100

Company O'SHEA, GETZ & KOSAKOWSKI PC

Address 1500 MAIN ST # 912

City SPRINGFIELD State MA

Country USA ZIP Postal Code 011151000

2 To Recipient's Name Mr. Vernon Donnelly Phone _____

Company _____

Address 54 Meadow Crescent

Address Saddlestone

City Braddan State Province

Country Isle of Man ZIP Postal Code IM2 INL

Recipient's Tax ID number for Customs purposes _____

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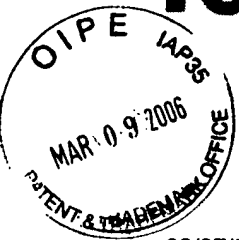
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02/27/2006

Dear Customer:

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